

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room 5A

9:30 AM

8:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Meeting URL: <https://cacb.zoomgov.com/j/1608224753>

Meeting ID: 160 822 4753

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"Telephonic Instructions" section.

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Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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10:00 AM

8:19-14150 Brandi Bagley

Chapter 7

#1.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

STEVE SCHULZE

VS.

DEBTOR

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Grant motion with all relief requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Brandi Bagley

Represented By
Omid J Shirazi
Michael D Franco

Movant(s):

Steve Schulze

Represented By
Brian T Harvey

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CONT... Brandi Bagley

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Represented By
Donald W Sieveke

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10:00 AM

8:21-12155 Mark A. Trebon, D.M.D., Inc.

Chapter 7

#2.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
HIGHLAND CAPITAL CORPORATION
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Grant with 4001(a)(3) waiver. Deny request for 180-day prospective relief due to lack of grounds stated for such extraordinary relief.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

Mark A. Trebon, D.M.D., Inc.

Represented By
Richard L Barnett

Movant(s):

Highland Capital Corporation

Represented By
Richard A Solomon

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CONT... Mark A. Trebon, D.M.D., Inc.

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

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8:17-10706 John Jean Bral

Chapter 11

#3.00 Hearing RE: Application for Approval of Post-Confirmation Fees and Reimbursement of Expenses

**[SHULMAN BASTIAN FRIEDMAN & BUI LLP, ATTORNEYS FOR
REORGANIZED DEBTOR]**

Docket 1082

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

John Jean Bral

Represented By

Beth Gaschen

Alan J Friedman

William N Lobel

Bobby Samini

Dean A Ziehl

Gary A Pemberton

Shane M Biornstad

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8:17-10706 John Jean Bral

Chapter 11

#4.00 Hearing RE: Post Confirmation Final Application for Compensation and Reimbursement of Expenses of Pachulski Stang Ziehl & Jones LLP as Special Reorganization Counsel for the Debtor for the Period August 1, 2019 through January 21, 2021

[PACHULSKI STANG ZIEHL & JONES LLP AS SPECIAL REORGANIZATION COUNSEL]

Docket 1084

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

John Jean Bral

Represented By

Beth Gaschen

Alan J Friedman

William N Lobel

Bobby Samini

Dean A Ziehl

Gary A Pemberton

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John Jean Bral

Shane M Biornstad

Chapter 11

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8:17-10706 John Jean Bral

Chapter 11

#5.00 Hearing RE: Application for Approval of Post-Confirmation Fees and Reimbursement of Expenses for the Period January 1, 2021 through September 22, 2021

[THEODORA ORGINGER PC, SPECIAL REORGANIZATION COUNSEL FOR DEBTOR]

Docket 1085

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Approve fees and expenses as requested.

Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.

Party Information

Debtor(s):

John Jean Bral

Represented By

Beth Gaschen

Alan J Friedman

William N Lobel

Bobby Samini

Dean A Ziehl

Gary A Pemberton

Shane M Biornstad

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8:20-11507 HCA West, Inc

Chapter 11

#6.00 Hearing RE: Motion for Order Further Extending the Time Periods During Which the Debtors Have the Exclusive Right to File a Plan and to Solicit Acceptances Thereof Pursuant to Section 1121(d) of the Bankruptcy Code

Docket 556

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Grant the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.

Party Information

Debtor(s):

HCA West, Inc

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

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8:20-11507 HCA West, Inc

Chapter 11

**#7.00 CON'TD STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case
[Lead Case: (Lead Case: Hytera Communications America (West), Inc.
(Case Number: 8:20-bk-11507-ES)] Jointly Administered With Member
Cases: Hytera America Incorporated (Case Number: 8:20-bk-11508-ES) and
HYT North America, Inc. (Case Number: 8:20-bk-11509-ES)]**

FR: 8-6-20; 12-17-20; 4-22-21; 5-6-21; 9-30-21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 6, 2020

Continue Status Conference to December 17, 2020 at 10:30 am; updated Status Report must be filed by December 3, 2020. (XX)

Note: If Debtors are in substantial compliance with the requirements of the United States Trustee, appearance at this Status Conference is not required. It is Debtors' responsibility to confirm the status of their compliance with the UST in advance of the hearing. The court will issue its own order re continuance of the hearing.

December 17, 2020

Continue Status Conference to April 22, 2021 at 10:30 a.m.; updated Status Report must be filed by April 15, 2021 unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated status report shall be waived. (XX)

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Chapter 11

Note: Appearance at this hearing is not required.

May 6, 2021

Continue the Status Conference to September 30, 2021 at 10:30 a.m.; updated Status Report must be filed by September 16, 2021 unless a plan and disclosure statement has been filed by such date, in which the requirement of a Status Report will be waived. (XX)

Note: Appearance at this hearing is not required.

September 30, 2021

Continue Status Conference to November 9, 2021 at 10:30 a.m.; updated Status Report not required if a disclosure statement hearing is set on or prior to such date. (XX)

Note: Appearances at this hearing are not required if Debtor accepts the tentative ruling.

November 9, 2021

Continue Status Conference to December 2, 2021 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

HCA West, Inc

Represented By
John W Lucas
Jason H Rosell

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HCA West, Inc

Victoria Newmark

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8:21-10485 Alan Dickinson

Chapter 7

#8.00 Hearing RE: Debtor's Motion for Authority to Sell Real Property under LBR 3015-1(p)

Docket 81

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Deny the Motion based on the fact that the real property is no longer part of the bankruptcy estate. Court approval to sell the property is not necessary.

Basis for Tentative Ruling:

1. This case was converted from a chapter 13 case to a chapter 7 case by notice of Debtor May 14, 2021.
2. Debtor has filed the Motion using Court Form 3015-1.16, a form that is required for *Chapter 13* cases. As noted above, Debtor is no longer in a chapter 13 and, therefore, none of the chapter 13 code sections or rules, including the filing of a plan, apply. There is no plan of repayment to creditors in a chapter 13 case.
3. Debtor's former counsel filed a motion to compel the trustee to abandon the real property on September 27, 2021 ("Abandonment Motion") [docket # 86] in accordance with Local Bankruptcy Rule ("LBR") 6007-1. The Abandonment Motion was properly served on the chapter 7 trustee and creditors of the estate, including counsel for the objecting creditors. The Abandonment Motion provided notice that if any party opposed abandonment, such party must file a response and request a hearing within 14 days of notice of the Abandonment Motion. LBR 6007-1(c). Neither the chapter 7 trustee or any creditor timely filed an objection or requested that

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Chapter 7

the matter be set for hearing.

3. LBR 6007-1(d)(1) provides that "if no timely objection and request for hearing is filed and served, the ***property is deemed abandoned without further order of the court.*** Accordingly, the property was deemed abandoned on or about October 12, 2021 when no party filed an objection.

4. Abandoned property is removed from the bankruptcy estate, "divesting the trustee of control over that property and divesting the Court of jurisdiction over matters concerning the abandoned property." *In re DeVore*, 223 B.R. 193, 200 (9th Cir. BAP 1998) ("Abandonment removes the asset from the jurisdiction of the bankruptcy court."). A debtor holds abandoned property as if no bankruptcy had been filed.

5. Because the subject real property has been deemed abandoned, the court lacks jurisdiction to approve any sale of the property. Debtor is free to sell the property outside the bankruptcy case without court authorization or approval. Further, it is up to Debtor as to whether to use all or a portion of any sale proceeds to pay his creditors.

6. Objecting creditors' argument against allowing the sale of the property is mooted by the deemed abandonment of the property back to Debtor.

Party Information

Debtor(s):

Alan Dickinson

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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8:21-10485 Alan Dickinson

Chapter 7

#9.00 Hearing RE: Debtor's Motion for Order Determining Value of Collateral

Docket 82

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Deny the Motion. This court lacks jurisdiction to value property that is no longer property of the bankruptcy estate.

Basis for Tentative Ruling:

See the court's comments for #8 on today's calendar wherein the court explains that the subject real property has been abandoned and is no longer property of the bankruptcy estate. As such, the court has no jurisdiction to decide issues regarding property that has been abandoned to Debtor.

Party Information

Debtor(s):

Alan Dickinson

Pro Se

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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10:30 AM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson et al

#10.00 Hearing RE: Motion for Defendant's Request for Additional Request for Admissions Pursuant to Rules of Evidence, Rule 201

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Grant in part: allow a maximum of ten additional requests for admission for a total of thirty-five.

Basis for Tentative Ruling:

Debtor has not clearly stated why he needs 25 additional request for admission and has not specified what the requests will be. However, in order to circumvent further hearings or litigation over the number of requests for admission, the court will exercise its discretion under Federal Rules of Civil Procedure (FRCP) 26(b)(2)(A) and limit the maximum requests for admission to 35 requests, subject to any proper objections under FRCP 36(a)(5).

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Alan Dickinson

Pro Se

Defendant(s):

Alan Dale Dickinson

Pro Se

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CONT... Alan Dickinson

Chapter 7

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01037 Golden Rain Foundation of Laguna Woods v. Dickinson et al

#11.00 Hearing RE: Motion for Defendant's Request for Additional Request for Admissions Pursuant to Rules of Evidence, Rule 201

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Grant in part: allow a maximum of ten additional requests for admission for a total of thirty-five.

Basis for Tentative Ruling:

Debtor has not clearly stated why he needs 25 additional request for admission and has not specified what the requests will be. However, in order to circumvent further hearings or litigation over the number of requests for admission, the court will exercise its discretion under Federal Rules of Civil Procedure (FRCP) 26(b)(2)(A) and limit the maximum requests for admission to 35 requests, subject to any proper objections under FRCP 36(a)(5).

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Alan Dickinson

Pro Se

Defendant(s):

Alan Dale Dickinson

Pro Se

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Chapter 7

Plaintiff(s):

Golden Rain Foundation of Laguna

Represented By
Fred S Peters

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se

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8:21-10513 Rosa A Fridman

Chapter 7

Adv#: 8:21-01023 Avetoom v. Fridman

#12.00 Hearing RE: Defendant Rosa Fridman's Motion for Leave to File Amendment to Answer to Plaintiff's First Amended Complaint

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

Deny the Motion.

Basis for Tentative Ruling:

Under FRCP 15(a)(2), made applicable herein by FRBP 7015, a party may amend its pleading "only with the opposing party's written consent or the court's leave." "The court should freely give leave when justice so requires." *Id.*

Leave to amend a complaint or claim is generally within the discretion of the bankruptcy court and is reviewed under the abuse of discretion standard. *Mende v. Dun & Bradstreet, Inc.*, 670 F.2d 129 (9th Cir. 1982). Federal Rule of Civil Procedure 15 (made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7015) provides that a party may amend the party's pleading by leave of court and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). The Ninth Circuit applies this rule with "extreme liberality." *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997). In exercising its discretion, a bankruptcy court "must be guided by the underlying purpose of Rule 15 to facilitate decision on the merits, rather than on the pleadings or technicalities." *In re Magno*, 216 B.R. 34 (9th Cir. BAP 1997). A bankruptcy court considers the following factors in determining whether a motion to amend should be granted: (1) undue delay;

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Chapter 7

(2) bad faith; (3) futility of amendment; and (4) prejudice to the opposing party. *Hurn v. Retirement Fund Trust of Plumbing, Etc.*, 648 F.2d 1252, 1254 (9th Cir. 1981).

Here, Plaintiff's request is denied because an amended answer would be futile. Debtor was denied discharge of her debts pursuant to 11 U.S.C. § 727(a)(2), (4), and (5) in Debtor's prior bankruptcy case (8:12-bk- 11721-ES). Subsequently, this Court provisionally granted summary judgment on September 9, 2021 because Defendant was entitled to judgment as a matter of law under 11 USC 523(a)(10) subject to Defendant filing a motion for terminating sanctions. See dkt. 29. Defendant has been given the opportunity to address the alleged misconduct by Plaintiff by filing terminating sanctions. The Court asked the Defendant to include a brief on the legal effect of terminating sanctions on the ultimate issue of the applicability of 523(a)(10). The Defendant did not provide any authority to address how adding an affirmative defense of unclear hands, which would have the same effect as terminating sanctions if successful, will provide relief for the Defendant from the previous non-dischargability determination.

Special note: The court notes parenthetically that the Motion is unsupported by any substantiating declaration or documentary evidence. However, the absence of such factual evidence is ultimately irrelevant to the important legal issues discussed above.

Party Information

Debtor(s):

Rosa A Fridman

Represented By
Scott Talkov

Defendant(s):

Rosa Fridman

Represented By
Scott Talkov

Plaintiff(s):

Karl Avetoom

Pro Se

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Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

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8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#13.00 CON'TD Hearing RE: Motion to: 1) Approve Settlement Between Debtor in Possession Mehr Group of Companies Holdings Inc. and Bcore Retail Brookhurst Adams LLC and Shopcore Properties TRS Management LLC; 2) Enter Into Asset Purchase Agreement with Assignee

FR: 9-30-21

Docket 118

***** VACATED *** REASON: OFF CALENDAR: Voluntary Dismissal / Withdrawal of Motion, filed 11/4/2021**

Courtroom Deputy:

OFF CALENDAR: Voluntary Dismissal / Withdrawal of Motion, filed 11/4/2021 - td (11/4/2021)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By

Andy C Warshaw

Richard L. Sturdevant

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#14.00 CON'TD Hearing RE: Debtor's Motion for Order Disallowing Claim #3 as Filed by BCORE Brookhurst Adams LLC

FR: 7-15-21; 8-19-21; 9-30-21

Docket 98

***** VACATED *** REASON: CONTINUED TO 12/9/2021 AT 10:30 A.M.,
PER HEARING HELD 10/14/2021 (XX)**

Courtroom Deputy:

**CONTINUED TO DECEMBER 9, 2021 AT 10:30 A.M. AT OCTOBER 14,
2021 HEARING -- EAS (XX) - td (10/20/2021)**

Tentative Ruling:

July 15, 2021

Continue hearing to August 19, 2021 at 10:30 a.m. to allow Debtor to correct defective service to Claimant. (XX)

Basis for Tentative Ruling:

The Motion was not served at the exact address indicated on the proof of claim as required by FRBP 3007. The address on the proof of claim is "BCORE Retail Brookhurst Adams LLC c/o Blackmar, Principe & Schmelter, APC, 600 B Street, Suite 2250, San Diego, CA 92101." The Motion was served at the correct address but not in care of BP&S.

Tentative ruling for 8/19/21 hearing (if unopposed):

Disallow the sum of \$137,954 (\$57,954 + \$80,000) and allow the claim in the amount of \$155,762.01 (\$293,716.01- \$137,954).

Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required and Debtor shall re-serve the Motion.

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CONT... Mehr Group of Companies Holding Inc.

Chapter 11

August 19, 2021

Continue this hearing to September 30, 2021 at 10:30 a.m. (XX)

*Special Note: Debtor may set any Rule 9019 motion for hearing on
September 30, 2021 at 10:30 a.m.*

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By

Andy C Warshaw

Richard L. Sturdevant

Trustee(s):

Robert Paul Goe (TR)

Pro Se

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8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#15.00 CONT'D Hearing RE: Creditor BCORE Retail Brookhurst Adams LLC's Motion to Compel Rejection of Terminated Nonresidential Lease

FR: 6-17-21; 8-19-21; 9-30-21

Docket 72

***** VACATED *** REASON: CONTINUED TO 12/9/2021 AT 10:30 A.M.,
PER HEARING HELD 10/14/2021 (XX)**

Courtroom Deputy:

**CONTINUED TO DECEMBER 9, 2021 AT 10:30 A.M. AT OCTOBER 14,
2021 HEARING -- EAS (XX) - td (10/20/2021)**

Tentative Ruling:

June 17, 2021

Grant Motion for the reasons stated and the legal authority presented in the Motion and Reply

August 19, 2021

Continue this hearing to September 30, 2021 at 10:30 a.m. (XX)

*Special Note: Debtor may set any Rule 9019 motion for hearing on
September 30, 2021 at 10:30 a.m.*

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By

Andy C Warshaw

Richard L. Sturdevant

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Trustee(s):

Robert Paul Goe (TR)

Pro Se

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8:21-10779 Mehr Group of Companies Holding Inc.

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#16.00 CON'TD Hearing RE: Debtor in Possession's Motion Authorizing the Assumption of Commercial Lease

FR: 6-17-21; 8-19-21; 9-30-21

Docket 78

***** VACATED *** REASON: CONTINUED TO 12/9/2021 AT 10:30 A.M.,
PER HEARING HELD 10/14/2021 (XX)**

Courtroom Deputy:

**CONTINUED TO DECEMBER 9, 2021 AT 10:30 A.M. AT OCTOBER 14,
2021 HEARING -- EAS (XX) - td (10/20/2021)**

Tentative Ruling:

June 17, 2021

Deny motion if the court grants lessor's motion to compel rejection [See # 21 on today's calendar]

August 19, 2021

Continue this hearing to September 30, 2021 at 10:30 a.m. (XX)

*Special Note: Debtor may set any Rule 9019 motion for hearing on
September 30, 2021 at 10:30 a.m.*

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By

Andy C Warshaw

Richard L. Sturdevant

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room

5A

10:30 AM

CONT... Mehr Group of Companies Holding Inc.

Chapter 11

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room

5A

10:30 AM

8:21-10779 Mehr Group of Companies Holding Inc.

Chapter 11

#17.00 CON'TD STATUS CONFERENCE Hearing on Status of Subchapter V Case; (2) Requiring Report on Status of Subchapter V Case by Debtor and Subchapter V Trustee; and (3) Requiring Subchapter V Trustee to Appear at the Status Conference

FR: 5-11-21; 6-17-21; 8-19-21; 9-30-21

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/9/2021 AT 10:30 A.M.,
PER HEARING HELD 10/14/2021 (XX)**

Courtroom Deputy:

**CONTINUED TO DECEMBER 9, 2021 AT 10:30 A.M. AT OCTOBER 14,
2021 HEARING -- UPDATED STATUS REPORT DUE DEC. 2, 2021 -- EAS
(XX) - td (10/20/2021)**

Tentative Ruling:

May 11, 2021

No tentative ruling; disposition will depend on outcome of other matters on today's calendar.

June 17, 2021

No tentative ruling; disposition will depend on outcome of other matters on today's calendar.

August 19, 2021

Continue this hearing to September 30, 2021 at 10:30 a.m. An updated Status Report need only be filed by September 16, 2021 if a Rule 9019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room

5A

10:30 AM

CONT... Mehr Group of Companies Holding Inc.

Chapter 11

motion to approve compromise has not been filed by such date. (XX)

*Special Note: Debtor may set any Rule 9019 motion for hearing on
September 30, 2021 at 10:30 a.m.*

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Mehr Group of Companies Holding

Represented By
Andy C Warshaw

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room

5A

2:00 PM

8:21-10485 Alan Dickinson

Chapter 7

Adv#: 8:21-01035 Lenhardt et al v. Dickinson et al

#18.00 Hearing RE: Cross-Defendants David P. Lenhardt's and Fred S. Peters' Special Motion to Strike Cross-Complaint Pursuant to Cal. Civ. Code 425.16

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 9, 2021

The court will hear oral argument regarding the Cross-Defendant's Motion to Strike and then take the matter under submission until November 18, 2021 at 2:00 p.m. The parties should assume that the court has read all the papers and should limit oral argument to 1) highlighting and summarizing key arguments and 2) addressing any issues raised by the court below. Moving Parties (Cross Defendants) will have a maximum of 15 minutes to present opening argument; Cross-Complainant (Debtor) will have a maximum of 15 minutes to respond; and Moving Parties will have a maximum of 10 minutes to reply. Arguments will be timed by the court.

Court's Comments

1. Moving Parties to address a) whether the Motion to Strike is based on legal deficiencies in the Cross-Complaint or factual insufficiencies or both; and b) whether all allegations in the Cross-Complaint are subject to claim/issue preclusion.
2. Debtor to clarify what, if any, allegations in the Cross-Complaint relate to alleged conduct of the Moving Parties in this adversary proceeding.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 9, 2021

Hearing Room

5A

2:00 PM

CONT... Alan Dickinson

Chapter 7

Debtor(s):

Alan Dickinson

Represented By
Christopher J Langley

Defendant(s):

Alan Dale Dickinson

Pro Se

Plaintiff(s):

David P. Lenhardt

Represented By
Adrianos Facchetti

Fred Scott Peters

Represented By
Adrianos Facchetti

Trustee(s):

Weneta M.A. Kosmala (TR)

Pro Se